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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,279

09/08/2003

Robert Hugo De Angelis

7135

7590

01/19/2006

Tantalus Systems Corp.  
100-2955 Virtual Way  
Vancouver, V5M 4X6  
CANADA

EXAMINER

VY, HUNG T

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/656,279

Applicant(s)

DE ANGELIS, ROBERT HUGO

Examiner

Hung T. Vy

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on The RCE filed 12/08/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
TAN HO  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**  
**Claim Objections**

1. Claims 32-33 are objected to because of the following informalities: Claims 32,33 are duplicated claim. Appropriate correction is required.

With respect to claim 1, in line 1, the claim recites "electro-mechanical infrastructures" but in the line 5, the claim recites, "said infrastructure is"

**Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 40, the phrase "such infrastructure" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). What's "such infrastructure" mean? There is no mead and bound to the limitation.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 27,35, and 40 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Winter, U.S. patent No. 6,819,292.

Regarding claim 40, Winter discloses an RF telemetry unit for use with differing electro-mechanical infrastructure (20,10), comprising: a first RF radiating/receiving element (76) and a first metallic structure (80) (see column 4, line 50 and fig. 1-6) placed physically closer to said first RF radiating/receiving element (76) than the electro-mechanical infrastructure is (See fig. 1-7).

With respect to claim 27, Winter discloses a method for use with differing electro-mechanical infrastructures (20,10), to minimize the effects on the performance of a first RF radiating/receiving located within one such infrastructure due to its interactions with said such infrastructure, comprising the step of placing a first metallic structure (80) physically closer to said first RF radiating/receiving element (76) than said infrastructure is.

With respect to claim 35, Winter discloses a metallic infrastructure of conventional prongs, brackets, rivets and metallic elements (See fig. 19), with RF telemetry functionality, comprising the steps of: providing RF functionality with a first RF radiating/receiving element (76) within the infrastructure; and placing a first metallic structure (see column 4, line 50 and fig. 1-6) physically (80) closer to said first RF radiating/receiving element (76) than the infrastructure is (20,10)(see fig. 1-7).

### **Claim Rejections - 35 U.S.C. § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 28-34, 36-39 and 41-47 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Winter et al (U.S. patent No. 6,819,292) in view of Meek et al. (U.S. Patent No. 5,621,419).

With respect to claims 28-30, 36-39, and 41-43, Winter discloses all limitation of invention recited in claim 27 except for RF radiating/receiving element is a lot formed from material, thereby forming a first slot antenna. However, Meek et al. discloses the slot antennas (see fig. 4-5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Winter et al. to implement the device of Winter et al. by arranging a first and second a lot antenna to have different bandwidth (See column 2, line 50-60) since such an replace the patch antenna to have slot antenna for the stated purpose has been well know in the art as evidenced by the teaching of Hill (see column 2, line 50-60).

With respect to claim 31, and 44, Meek et al. discloses the dominant null of the RF radiating/receiving element of one antenna is mitigated by the RF radiating/receiving element of the other antenna (See column 3, line 1-7).

With respect to claims 32-33, and 45, Winter et al. discloses the infrastructure is that of a conventional resource-measuring meter (see fig. 1).

With respect to claims 34 and 47, Meek et al. discloses the dielectric properties that do not adversely affect the performance of the radiating/receiving element (See fig. 4-6).

With respect to claim 46, Winter discloses the meter has a cover and said first antenna (76) is located under said cover (22)(see fig. 45).

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

7. Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy  
Art Unit 2821.  
January 9, 2006.

  
**TAN HO**  
**PRIMARY EXAMINER**